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Prepared by: Darren Sanders
Engineering

Approved by: Lisa Kelly
County Attorney

A RESOLUTION APPROVING A CONTRACT WITH CHRIS HILL CONSTRUCTION IN THE AMOUNT OF \$2,388,945.00 AND \$50,000.00 FOR AN EXTRA WORK ALLOWANCE FOR A TOTAL AMOUNT OF \$2,438,945.00 FOR THE CONSTRUCTION OF THE MIDTOWN TO SHELBY FARMS PARK GREENWAY BIKE/PEDESTRIAN TRAIL; AND APPROVING AN AMENDMENT TO THE MANAGEMENT AGREEMENT WITH THE SHELBY FARMS PARK CONSERVANCY; AND ACCEPTING AND APPROPRIATING FEDERAL THROUGH STATE GRANT FUNDS IN THE AMOUNT OF \$1,500,000.00; AND AMENDING THE FY 2009-2010 GENERAL OPERATING AND CAPITAL IMPROVEMENT PROJECTS BUDGETS; AND THIS ITEM REQUIRES EXPENDITURES OF FEDERAL THROUGH STATE GRANT FUNDS IN THE AMOUNT OF \$1,500,000.00; AND PRIVATE DONOR GRANT FUNDS IN THE AMOUNT OF \$275,000.00; AND COUNTY CIP MATCHING FUNDS IN THE AMOUNT OF \$375,000.00; AND COUNTY CIP CONTINGENCY FUNDS IN THE AMOUNT OF \$288,945.00 FOR A TOTAL EXPENDITURE OF \$2,438,945.00 FOR SAID CONTRACT. SPONSORED BY COMMISSIONER DEIDRE MALONE.

WHEREAS, Shelby County has partnered with the Shelby Farms Park Conservancy to develop a bike/pedestrian trail along the abandoned railroad corridor previously owned by CSX Transportation, Inc. from Midtown to Shelby Farms Park; and

WHEREAS, Sealed bids were requested and received for this project on Wednesday, December 2, 2009 under RFP #10-009-20A with the lowest/best bid being submitted by Chris Hill Construction in the amount of \$2,388,945.00; and

WHEREAS, The award of this contract to Chris Hill Construction has been reviewed and approved by the Tennessee Department of Transportation (TDOT).

WHEREAS, This contract provides for the first phase of trail construction from the Lester Street Community Center near Tillman Road to the Shelby Farms Park Operations Center at the southeast corner of the intersection of Farm Road and Mullins Station Road; and

WHEREAS, Trail construction includes such items as bridge replacement and/or repair, safety handrail installation, pedestrian pavement markings with associated signage at nine roadway crossings, a refuge median in the center turn lane at Highland Avenue, and placement of compacted gravel and an asphalt surface course for the full length of the trail; and

WHEREAS, Shelby Farms Park Conservancy has partnered with the County to install a trail system along the CSX Transportation, Inc. abandoned rail line corridor and the parties entered into an Agreement for said trail development per Resolution No. 22 adopted on March 30, 2009; and

WHEREAS, The Board of Commissioners of Shelby County, Tennessee desires to amend the Agreement with the Shelby Farms Park Conservancy attached hereto as Exhibit B to reflect a construction project start date of no later than February 28, 2010 and a completion date of August 15, 2010 and to reflect the use of an outside contractor as opposed to in-house forces; and

WHEREAS, Chris Hill Construction has committed to hire locally owned small businesses (LOSBS) to perform at least twenty percent (20%) of the construction work; and

WHEREAS, It is necessary to accept and appropriate federal through state grant funds from the Surface Transportation Program (STP) in the amount of \$1,500,000.00 approved through TDOT and the local Metropolitan Planning Organization (MPO) to help fund this contract; and

WHEREAS, County CIP funds in the amount of \$375,000.00 had been appropriated as a required twenty percent (20%) match for the federal grant award of \$1,500,000.00 in accordance with Resolution No. 22 adopted on March 30, 2009, and unexpended in FY 2009; and

WHEREAS, A private donation in the amount of \$275,000.00 has been accepted and appropriated in accordance with Resolution No. 22 adopted on March 30, 2009; and

WHEREAS, It is necessary to amend the FY 2009-2010 CIP Budget and to appropriate funds in the amount of \$288,945.00 from Contingencies Fund Account No. 909-201299-9520 to help fund this contract; and

WHEREAS, The County has been given assurance by the Department of Regional Services that additional federal grant funding in the amount of \$159,000.00 will be available prior to project completion; and

WHEREAS, These additional federal funds, contingent upon award, would provide a partial reimbursement for the \$288,945.00 being appropriated from the CIP Budget, thereby reducing it to an actual expenditure of \$129,945.00; and

WHEREAS, It is necessary to amend the FY 2009-2010 General Operating and CIP Budgets to appropriate said funds for this contract in the amount of \$2,388,945.00 and to appropriate funds in the amount of \$50,000.00 for an extra work allowance for a total amount of \$2,438,945.00.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That federal through state grant funds in the amount of \$1,500,000.00 are hereby accepted and appropriated.

BE IT FURTHER RESOLVED, That the FY 2009-2010 General Operating and CIP Budgets are hereby amended per Exhibit A.

BE IT FURTHER RESOLVED, That the contract with Chris Hill Construction in the amount of \$2,388,945.00 and an extra work allowance in the amount of \$50,000.00 for a total amount of \$2,438,945.00 for the construction of the Midtown to Shelby Farms Park Greenway Bike/Pedestrian Trail is hereby approved.

BE IT FURTHER RESOLVED, That the Agreement with the Shelby Farms Park Conservancy is hereby amended.

BE IT FURTHER RESOLVED, That the County Mayor is hereby authorized to execute the aforementioned contract and Amendment and execute any documents necessary for the purposes contained in this resolution on behalf of Shelby County Government, an executed copy of which is to be placed on file in the Contracts Administration Section of the Office of the County Attorney.

BE IT FURTHER RESOLVED, That the Mayor and the Director of Administration and Finance are hereby authorized to issue their warrant or warrants in amounts not to exceed \$2,438,945.00 for the purposes contained in this resolution to Chris Hill Construction and to take proper credit in their accounting therefor.

Joe Ford, Interim Mayor

Date:_____

ATTEST:

Clerk of County Commission

ADOPTED _____

SUMMARY SHEET

I. Description of Item

This project will construct a ten foot wide asphalt paved trail along an abandoned rail corridor approximately seven miles in length from the Lester Street Community Center near Tillman Road to the Shelby Farms Park Operations Center at the southeast corner of Farm Road and Mullins Station Road. It is being funded by a combination of federal, local and private donor grant funds for a total contract amount with contingency of \$2,438,945.00. Approximately one half of the construction costs are being allocated for necessary safety improvements to the nearly half mile of bridge sections including one complete bridge demolition and replacement over Cypress Creek and various repairs to decking and support members of the other sections. Also, a handrail system is being attached to all elevated bridge sections along the trail.

Improvements to the bike/pedestrian trail include a compacted gravel base with an asphalt surface course for the full length of the trail, pedestrian crosswalks and associated signage at nine at-grade road crossings, and enhanced safety elements of warning flasher signs and a refuge median at Highland Avenue where traffic counts and a wide pavement section are considerations.

The Shelby Farms Park Conservancy (SFPC) has partnered with the County for the construction, management and maintenance of the trail system, and the parties entered into an Agreement for said trail development and management per Resolution Item No. 22 adopted March 30, 2009. As part of the Agreement, the SFPC provided funding in the amount of \$4,775,000 for the purchase of land and other trail related expenses. The Agreement also provides requirements for construction such as trail cross-section details, construction completion dates and the use of local forces. The proposed Amendment sets a construction start date of no later than February 28, 2010, modifies the completion date specified in the Agreement of December 31, 2009 to August 15, 2010, and it reflects the use of an outside contractor for construction.

II. Source and Amount of Funding

A. Amount Expended/Budget Line Item

Federal Through State Grant Funds	1,500,000.00
CIP Funds for Required Match (appropriated in prior years)	375,000.00
CIP Contingency Fund	
(\$159 K to be reimbursed by future grant award)	288,945.00
Private Donor Grant (appropriated in prior years)	<u>275,000.00</u>
Total Available Funds	\$2,438,945.00

- B. All Costs (Direct/Indirect)
1. Design Costs: \$98,000.00
 2. ROW Costs: \$4,500,000.00
 3. Construction Costs with Contingency: \$2,438,945.00
- C. Additional or Subsequent Obligations or Expenses of Shelby County
1. None (Responsibility of trail maintenance is being assumed by the Shelby Farms Park Conservancy.)

III. Contract Items

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| A. Type of Contract | Standard |
| B. Terms | (180) days or until project completion |

IV. Additional Information Relevant to Approval of This Item

Chris Hill Construction is a locally owned and operated business in Shelby County. They have committed to contract at least twenty percent (20%) of the construction to locally owned small businesses (LOSBS). The goal for disadvantaged business enterprise (DBE) utilization on this project is eight percent (8.0%).